

Amendment 782 has no effect on Edwards' guideline range. It is well settled that no sentence reduction under § 3582(c)(2) is permissible for a guidelines amendment that does not actually lower a defendant's guideline range. *See, e.g., United States v. Hippolyte*, 712 F.3d 535, 542 (11th Cir. 2013) ("Section 3582(c)(2) does not authorize a sentence reduction if a guidelines amendment does not have the effect of reducing the defendant's sentence."); *United States v. Glover*, 686 F.3d 1203, 1206 (11th Cir. 2012) ("a court cannot use an amendment to reduce a sentence in a particular case unless that amendment actually lowers the guidelines range in that case").¹

For the foregoing reasons, Edwards' Motion for Modification of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) (doc. 111) is **denied**.

DONE and ORDERED this 9th day of August 2018.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE

¹ In arguing otherwise in his Motion, Edwards would unilaterally reduce his criminal history category from VI to V, without explanation. (Doc. 111, at 3 ("Petitioner's amended total offense level would be at a level 37, with a Criminal History Category of V. That in turn, would mean that his advisory sentencing guideline range would be 324-405 months imprisonment.")) When considering a motion to reduce sentence based on a retroactive guideline amendment, courts must leave all other original guideline decisions unchanged. *See, e.g., United States v. Webb*, 565 F.3d 789, 793 (11th Cir. 2009) ("When a district court decides whether to reduce a sentence under § 3582(c)(2), it first has to recalculate the sentence based on the amended guidelines. ... In so doing, all original sentencing determinations remain unchanged with the sole exception of the guideline range that has been amended since the original sentencing.") (citations and internal marks omitted); *United States v. Bravo*, 203 F.3d 778, 780 (11th Cir. 2000) ("[O]nly the amended guideline is changed. All other guideline application decisions made during the original sentencing remain intact.") (citations omitted). The criminal history category of VI must be used in calculating Edwards' amended guideline range because that category was used in calculating his original guideline range at the time of sentencing.